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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,227	03/14/2002	David E. Farrell	CWR 2 0265	6563

7590 05/09/2003

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Cleveland, OH 44114-2518

EXAMINER

PATIDAR, JAY M

ART UNIT	PAPER NUMBER
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2862

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,227

Applicant(s)

FARRELL ET AL.

Examiner

Jay M. Patidar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-15 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 16 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

1. This communication is in response to applicant's amendment received on February 12, 2003.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4-5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants admitted prior art in view of Kugai et al. (5,548,262).

Applicants admitted prior art discloses an apparatus for determining magnetic susceptibility in an object having a permanent magnet; a superconducting quantum interference device; and a superconducting flux transformer that couples the susceptibility signal to the superconducting quantum interference quantum interference device (Note lines 11+, page 6 of the specification). Applicants admitted prior art fails to specify the high temperature superconductivity environment of operation. Kugai is cited to show this feature.

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Kugai discloses at lines 14+, Col. 1; lines 40-46, Col. 2; Lines 41-45, Col. 6 that the flux transformer with two coils perform at high temperature e.g. 77K.


Consequently, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of applicants admitted prior art to use high temperature environment of operation e.g. 77K for benefits of liquid nitrogen over liquid helium and to enhance the sensitivity of the device. The method claim recited for using the apparatus in claim 16 is an inherent use of the apparatus of applicants admitted prior art in view of Kugai operates in the functional manner claimed by the applicant.

3. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay M. Patidar whose telephone number is (703) 308-6723. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

The fax number for this group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service at (703) 306-3329.


Jay M. Patidar
Primary Examiner
Tech Center 2862
May 5, 2003